

GAHC010010192024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./111/2024

MOHAMMAD SAMIULLAH
S/O MOHAMMAD RAHMAN, R/O VILL-BEHARBARI, DIST.-KAMRUP (M),
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

22.03.2024

Heard Ms. G. Borah, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the State respondent.

This revision petition is filed under Section 397/401 read with Section 482 of Cr.P.C. praying for recalling/cancellation/modification of the order dated 07.12.2022 passed by the Sub-Divisional Judicial Magistrate, Gohpur in Gohpur Police Station Case No.104/2022 registered under Sections 120(B)/379 IPC read with Section 11(a)(b)(c)(d) of The Preservation of Cruelty to Animal Act, 1960,

read with Section 13 of The Assam Cattle Preservation Act, 2021 whereby directions were given to release the subject seized vehicle bearing Registration No.AS-01-GC-6974 in favour of the petitioner subject to furnishing of bank guarantee equal to the value of the seized vehicle.

It is submitted by Ms. G. Borah, learned counsel for the petitioner that the aforesaid condition for releasing the subject seized vehicle in favour of the petitioner virtually amounts to refusal of granting custody of the subject vehicle, inasmuch as, the petitioner does not have the financial capacity to provide such bank guarantee.

Considering the facts and circumstances of the case and for the ends of justice, this Court is of the considered view that the impugned order dated 07.12.2022 passed in Gohpur P.S. Case No.104/2022 can be modified to the extent that instead of furnishing of bank guarantee equal to the value of the seized vehicle, the petitioner shall furnish a bond for an amount equivalent to the value of the seized vehicle for taking custody of the aforesaid vehicle.

With the aforesaid modification, this criminal revision petition is disposed of.

JUDGE

Comparing Assistant